

**BOARD OF NURSING
MINUTES
October 6, 2005**

PRESENT: Marilyn Kaufmann, June Bahr (arrived at 9:00 a.m.), Terri Garcia,
Blaine Ropson, Kathleen Sullivan Marie Kohlbeck, Margaret Wood,
Gretchen Lowe (observed)

EXCUSED: Jacqueline Johnsrud, Peggy Heine,

STAFF PRESENT: Kimberly Nania, Director of Health Service Professions; Colleen Baird, Legal Counsel;
Gina York, Bureau Assistant, and other DRL staff

GUESTS: LouAnn Weix, WANA; Jodi Bloch, WHA; Jeff Renier, WANA;
Jeremy Levin, WI Medical Society; Kerry Moskol, Quarles & Brady;
Tony Driessen, WANA

CALL TO ORDER

Kathleen Sullivan called the meeting to order at 8:34 a.m. A quorum of seven members was present for today's meeting. The meeting was turned over to June Bahr, Vice Chair, upon her arrival at 9:00 a.m. Gretchen Lowe observed today's meeting.

APPROVAL OF AGENDA

Additions to the Agenda:

- Open Session: Under Presentation of Proposed Stipulation Received After the Mailing of the Agenda –
Add names: Renee Moxon, RN; Rosalyne Burger, LPN; George Barzac, RN; Mark Falcon, RN
- Open Session: FYI: Correspondence from WI Society of Podiatric Medicine, Inc.
- Open Session: FYI: Correspondence American Academy of Nurse Practitioners
- Open Session: FYI: Correspondence from Foley, Lardner, LLP
- Closed Session: Under Deliberation of Proposed Stipulation Received After the Mailing of the Agenda –
Add names: Renee Moxon, RN; Rosalyne Burger, LPN; George Barzac, RN; Mark Falcon, RN

MOTION: Marilyn Kaufmann moved, seconded by Blaine Ropson, to approve
the agenda of October 6, 2005 as amended. Motion carried unanimously.

APPROVAL OF MINUTES OF SEPTEMBER 8, 2005

Amendments to the Minutes:

- Page 4: Motion for Closed Session – Add Kathleen Sullivan's name.

MOTION: Terrie Garcia moved, seconded by Blaine Ropson, to approve the September 8, 2005 minutes as amended. Motion carried unanimously.

APPROVAL OF MINUTES OF SEPTEMBER 15, 2005 (TELECONFERENCE)

Amendments to the Minutes:

None.

MOTION: Marilyn Kaufmann moved, seconded by Marie Kohlbeck, to approve the September 15, 2005 minutes as written. Motion carried unanimously.

ADMINISTRATIVE REPORT

Kimberly Nania, Division Administrator, informed the Board that there are two new members at today's meeting and welcomed them to the Board. Margaret Wood is a voting member and Gretchen Lowe, at this time is here to observe today's meeting. Dr. Nania shared that the Department move is in progress and staff will be moving over next week. The November Board meeting will be in the new part of the building and signs will be posted.

PRESENTATION OF PROPOSED STIPULATIONS

There were eight proposed stipulations before the Board at today's meeting. They were regarding the following individuals: Rebecca Camren, LPN (03 NUR 306); Katherine Chase, LPN (04 NUR 098 & 04 NUR 294); Tammey K. DeRose, LPN (03 NUR 310); Jamie Hines, LPN (05 NUR 075); Kelly L. Knetzke, LPN (02 NUR 027); Karen A. Stock, RN (04 NUR 342); Joan M. Typo-Reich, RN (02 NUR 023); Julie A. Whelan, RN (05 NUR 176).

PRESENTATION OF PROPOSED STIPULATIONS RECEIVED AFTER THE MAILING OF THE AGENDA

There were four proposed stipulation received after the mailing of the agenda before the Board at today's meeting regarding Renee Moxon, RN; Rosalyne Burger, LPN; George Barzac, RN; and Mark Falcon, RN.

SUMMARY REPORTS ON PENDING COURT CASES, DISCIPLINARY CASES AND ADMINISTRATIVE RULES AND PRESS RELEASES

The Board reviewed the summary reports with Colleen Baird, Legal Counsel, at today's meeting. Attorney Baird was available to the Board for questions and clarification if needed.

DISCUSS AND REVIEW APNP LEGISLATION LRB 0832/3

The Board discussed and reviewed the APNP Legislation LRB 0832/3 at today's meeting. Colleen Baird, Legal Counsel, Tony Driessen, APNP, and Eric Callisto, DOE Administrator, shared information and concerns regarding this legislation. After a lengthy discussion, the Board deferred this topic to the November 10, 2005 meeting.

DISCUSSION REGARDING FEDERAL BACKGROUND CHECKS

Kimberly Nania, Division Administrator, shared information regarding federal background checks. The Board discussed this issue at length and due to Wisconsin being a compact state, this would require a rule change. An Appendix A and a scope statement would need to be done to begin the rule making process. The Board took the following action.

MOTION: Marilyn Kaufmann moved, seconded by Margaret Wood, to approve doing an Appendix A and a scope statement to progress in the rule making process regarding the federal background checks. Motion carried unanimously.

NOTIFICATION AND DISCUSSION REGARDING THE PETITION FOR DECLARATORY RULING

The Board considered the information presented before them and took the following action at today's meeting.

MOTION: Marilyn Kaufmann moved, seconded by Marie Kohlbeck, to request the Department to assign the hearing to an ALJ and to defer the scheduling of the hearing until after the Medical Examining Board has issued a declaratory ruling and that the ALJ assigned to conduct the hearing for the Board of Nursing not be the same ALJ who is conducting the hearing for the Medical Examining Board. Motion carried unanimously.

**LETTER SENT TO U.S. DEPARTMENT OF HEALTH & HUMAN SERVICES REGARDING
RECOMMENDATION TO UPDATE ENGLISH LANGUAGE PROFICIENCY
MINIMUM STANDARDS FOR FOREIGN NURSES**

Barbara Showers, Office of Education and Examinations, discussed this issue with the Board at today's meeting. There were some questions board members and recommendations from Donna Dorsey, NCSBN, regarding this topic. The Board considered all information prior to making a decision.

MOTION: Marilyn Kaufmann moved, seconded by Marie Kohlbeck, to adopt NCSBN's recommendation on the English Proficiency Examination for RNs and LPNs with the standards of IELTS overall score of 6.5 with a minimum of 6.0 all modules; TOEFL written overall score of 560; TOEFL CBT overall score of 220; TOEFL iBT overall score of 83. Motion carried unanimously.

INFORMATIONAL ITEMS

Noted.

REPORT WI NURSING REDESIGN CONSORTIUM

Marilyn Kaufmann reported that she has been receiving minutes from the Wisconsin Nursing Redesign Consortium and they have approved their bi-laws and chosen temporary officers. They have been collection data and are looking at developing an advisory council. Further updates will be provided as information becomes available.

REPORT OF EDUCATION AND LICENSURE COMMITTEE

Nothing to report at this time.

REPORT OF PRACTICE COMMITTEE

Kathleen Sullivan and Colleen Baird, Legal Counsel, informed the Board that the Practice Committee did not meeting prior to today's meeting. A new draft of the position paper regarding options for licensure will be presented at the November 10, 2005 Board meeting.

CONSULT WITH LEGAL COUNSEL

The Board consulted with Colleen Baird, Legal Counsel, throughout today's meeting as needed.

VISITOR COMMENTS

Noted.

CONVENE TO CLOSED SESSION

MOTION: Marie Kohlbeck moved, seconded by Terrie Garcia, to permit Gretchen Lowe to sitting in on closed session. Motion carried unanimously.

MOTION: Marilyn Kaufmann moved, seconded by Kathleen Sullivan, to adjourn to closed session pursuant to Wisconsin State statutes 29.85(1)(a)(b)(f) and (g) for the purpose of conducting appearances, reviewing monitoring requests, requests for licensure, deliberate on stipulations, administrative warnings, proposed decisions and orders, consulting with Legal Counsel and Division of Enforcement case status reports. Motion carried by roll call vote: Marilyn Kaufmann-yes, Blaine Ropson-yes, Terrie Garcia-yes, Marie Kohlbeck-yes; Margaret Wood-yes; June Bahr-yes, Kathleen Sullivan-yes.

Open Session recessed at 10:18 a.m.

IMPAIRED PROFESSIONALS PROGRAM (IPP)

None.

MONITORING

APPEARANCES BEFORE THE BOARD

LORI KLEMP

MOTION: Marie Kohlbeck moved, seconded by Marilyn Kaufmann, to grant a limited license to Lori Klempe for the sole purpose to take a refresher course and for Ms. Klempe to continue compliance with her board order. Upon successful completion of the refresher course the Board will review her possible reinstatement of a stay. Motion carried unanimously.

REQUESTS FOR THREE MONTH STAYS AND MODIFICATIONS

JENNIFER CARLSON

MOTION: Marilyn Kaufmann moved, seconded by Kathleen Sullivan, to grant a three-month stay to Jennifer Carlson with the modifications to reduce therapy to one time per month and reduce urine screens to forty-two times per year. Motion carried unanimously.

REQUESTS FOR REINSTATEMENT OF LICENSE

TAMI ROBERTSON

MOTION: Marilyn Kaufmann moved, seconded by Kathleen Sullivan, to table until the November meeting pending receipt of confirmation that Mr. Krueger is a specialist in professional sexual boundaries. If so, the Board requests additional documentation that supports evidence that Ms. Robertson is capable of maintaining appropriate boundaries and is safe to practice. Motion carried unanimously.

REQUEST FOR REVIEW OF DOCUMENTS

REBECCA THOMAS

MOTION: Marilyn Kaufmann moved, seconded by Kathleen Sullivan, to grant a one month stay and require Ms. Thomas to obtain a different testing site. The Board requested DRL monitoring to forward a copy of this test result to Dr. Gray with a letter requesting an explanation of why Ms. Thomas's creatine level is low and her specific gravity is normal. Motion carried unanimously.

DELIBERATION OF MONITORING RECEIVED AFTER MAILING OF AGENDA

None.

RECONVENE INTO OPEN SESSION

MOTION: Marie Kohlbeck moved, seconded by Kathleen Sullivan, to reconvene into open session at 11:12 p.m. Motion carried unanimously.

EDUCATIONAL PRESENTATION ON METHADONE MAINTENANCE AND ITS IMPACT ON ABILITY TO PRACTICE BY MICHAEL M. MILLER, MD, FASAM, FAPA

Dr. Michael Miller presented information regarding methadone maintenance and his work with this addictive population. He shared that Methadone is an established method of treatment and many have been treated for many years with this medication. Society does not handle the issue of addiction very well and many lack knowledge of this disorder. There is also a stigma regarding Methadone and he stated that taking this medication does not substitute one addiction for another. A Methadone dosage level is determined individually to maintain one's function at an acceptable level. Once an individual dosage level is determined, continual increases are not needed. This medication is stored in the body over a period of time and the same dosage level can maintain an individual's standard of function. The Board had several questions for Dr. Miller, he provided responses to specific issues, and concerns the Board had surrounding this treatment.

CONVENE TO CLOSED SESSION

MOTION: Marilyn Kaufmann moved, seconded by Kathleen Sullivan, to adjourn to closed session pursuant to Wisconsin State statutes 29.85(1)(a)(b)(f) and (g) for the purpose of conducting appearances, reviewing monitoring requests, requests for licensure, deliberate on stipulations, administrative warnings, proposed decisions and orders, consulting with Legal Counsel and Division of Enforcement case status reports. Motion carried by roll call vote: Marilyn Kaufmann-yes, Blaine Ropson-yes, Terrie Garcia-yes, Marie Kohlbeck-yes; Margaret Wood-yes; June Bahr-yes, Kathleen Sullivan-yes.

Open Session recessed at 12:24 a.m.

RECONVENE INTO OPEN SESSION

MOTION: Marie Kohlbeck moved, seconded by Kathleen Sullivan, to reconvene into open session at 11:12 p.m. Motion carried unanimously.

VOTING ON ITEMS CONSIDERED OR DELIBERATED ON IN CLOSED SESSION

STIPULATIONS

REBECCA CAMREN, LPN

MOTION: Marilyn Kaufmann moved, seconded by Terrie Garcia, to adopt the Findings of Fact, Conclusions of Law, Order, and Stipulation, regarding Rebecca Camren, LPN. Motion carried unanimously.

KATHERINE CHASE, LPN

MOTION: Blaine Ropson moved, seconded by Marilyn Kaufmann, to adopt the Findings of Fact, Conclusions of Law, Order, and Stipulation, regarding Katherine Chase, LPN. Motion carried unanimously.

TAMMEY K. DEROSE, LPN

MOTION: Terrie Garcia moved, seconded by Blaine Ropson, to adopt the Findings of Fact, Conclusions of Law, Order, and Stipulation, regarding Tammey DeRose, LPN. Motion carried unanimously.

JAMIE HINES, LPN

MOTION: Blaine Ropson moved, seconded by Marilyn Kaufmann, to adopt the Findings of Fact, Conclusions of Law, Order, and Stipulation, regarding Jamie Hines, LPN. Motion carried unanimously.

KELLY L. KNETZKE, LPN

MOTION: Marilyn Kaufmann moved, seconded by Blaine Ropson, to adopt the Findings of Fact, Conclusions of Law, Order, and Stipulation, regarding Kelly L. Knetzke, LPN. Motion carried unanimously.

KAREN A. STOCK, RN

MOTION: Blaine Ropson moved, seconded by Marilyn Kaufmann, to adopt the Findings of Fact, Conclusions of Law, Order, and Stipulation, regarding Karen A. Stock, RN. Motion carried unanimously.

JOAN M. TYPPO-REICH, RN

MOTION: Marilyn Kaufmann moved, seconded by Kathleen Sullivan, to adopt the Findings of Fact, Conclusions of Law, Order, and Stipulation, regarding Joan Typo-Reich, RN. Motion carried unanimously.

JULIE A. WHELAN, RN

MOTION: Kathleen Sullivan moved, seconded by Marilyn Kaufmann, to adopt the Findings of Fact, Conclusions of Law, Order, and Stipulation, regarding Julie A. Whelan, RN. Motion carried unanimously.

DELIBERATION OF PROPOSED STIPULATIONS RECEIVED AFTER MAILING OF AGENDA

RENEE MOXON, RN

MOTION: Marilyn Kaufmann moved, seconded by Kathleen Sullivan, to adopt the Findings of Fact, Conclusions of Law, Order, and Stipulation, regarding Renee Moxon, RN. Motion carried unanimously.

ROSALYNE BUEGER, LPN

MOTION: Marie Kohlbeck moved, seconded by Kathleen Sullivan, to adopt the Findings of Fact, Conclusions of Law, Order, and Stipulation, regarding Rosalyn Bueger, LPN. Motion carried unanimously.

GEORGE BARZAC, RN

MOTION: Marilyn Kaufmann moved, seconded by Kathleen Sullivan, to adopt the Findings of Fact, Conclusions of Law, Order, and Stipulation, regarding George Barzac, RN. Motion carried unanimously.

MARK FALCON, RN

MOTION: Terrie Garcia moved, seconded by Marilyn Kaufmann, to adopt the Findings of Fact, Conclusions of Law, Order, and Stipulation, regarding Mark Falcon, RN. Motion carried unanimously.

ADMINISTRATIVE WARNINGS

J. C. A , LPN (04 NUR 118)

MOTION: Marilyn Kaufmann moved, seconded by Kathleen Sullivan, to issue an administrative warning in the matter of J.C.A., LPN, case number 04 NUR 118. Motion carried unanimously.

DELIBERATION OF ADMINISTRATIVE WARNINGS RECEIVED AFTER MAILING OF AGENDA

None.

PROPOSED FINAL DECISIONS AND ORDERS RECEIVED AFTER MAILING OF AGENDA

None.

DELIBERATION OF PETITIONS FOR REHEARINGS RECEIVED AFTER THE MAILING OF THE AGENDA

None.

DIVISION OF ENFORCEMENT CASE STATUS REPORT

- MOTION:** Marie Kohlbeck moved, seconded by Kathleen Sullivan, to close case 04 NUR 384 for no violation. Motion carried unanimously.
- MOTION:** Terrie Garcia moved, seconded by Kathleen Sullivan, to close case 04 NUR 315 for prosecutorial discretion. Motion carried unanimously.
- MOTION:** Marilyn Kaufmann moved, seconded by Marie Kohlbeck, to close case 03 NUR 250 for no violation. Motion carried unanimously.
- MOTION:** Blaine Ropson moved, seconded by Terrie Garcia, to close case 03 NUR 073 for insufficient evidence. Motion carried unanimously.
- MOTION:** Blaine Ropson moved, seconded by Terrie Garcia, to close case 03 NUR 074 for insufficient evidence. Motion carried unanimously.
- MOTION:** Marie Kohlbeck moved, seconded by Terrie Garcia, to close case 03 NUR 192 for no violation. Motion carried unanimously.
- MOTION:** Kathleen Sullivan moved, seconded by Marie Kohlbeck, to close case 04 NUR 005 for insufficient evidence. Motion carried unanimously.
- MOTION:** Kathleen Sullivan moved, seconded by Marilyn Kaufmann, to close case 05 NUR 146 for P7. Motion carried unanimously.

OTHER BOARD BUSINESS

Kimberly Nania, Division Administrator, shared with the Board an update regarding a change in hotels for board members. The Comfort Inn and Suites has been contracted with the State of Wisconsin for 2006 and the Hampton Inn will be used until the end of 2005.

ADJOURNMENT

- MOTION:** Marilyn Kaufmann moved, seconded by Kathleen Sullivan, to adjourn the meeting at 2:34 p.m. Motion carried unanimously.